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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

EMERGIS TECHNOLOGIES, INC., f/k/a  
BCE EMERGIS TECHNOLOGIES, INC.,

Plaintiff,

v.

AVISTA CORPORATION,

Defendant.

No. CV-06-023-RHW

PLAINTIFF'S FRCP 41(a)(1)(i)  
NOTICE OF DISMISSAL

TO: The Clerk of the Court; and

TO: Defendant Avista Corporation and its counsel, J. Christopher Lynch  
of Preston Gates & Ellis LLP

PLAINTIFF'S FRCP 41(a)(1)(i) NOTICE  
OF DISMISSAL - 1

FOSTER PEPPER PLLC  
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1 Please take Notice that Plaintiff EMERGIS TECHNOLOGIES, INC., f/k/a  
 2 BCE EMERGIS TECHNOLOGIES, INC., by and through its undersigned counsel,  
 3 is hereby dismissing its Complaint in this action, and all claims therein, with  
 4 prejudice, with each party to bear its own costs and attorneys' fees. This Notice of  
 5 Dismissal is provided and filed pursuant to Fed. R. Civ. P. 41(a)(1)(i). By his  
 6 signature below, Counsel for the Plaintiff certifies that no Answer or Motion for  
 7 Summary Judgment has been served by any adverse party as of the date of this  
 8 Notice.  
 9  
 10

11 Date: June 12, 2006

12 Foster Pepper PLLC

13  
 14 /s/

15 John Ray Nelson, WSBA No. 16393  
 16 Local Counsel

17 **Of Counsel**

18 David K. Callahan  
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22 Counsel for Plaintiff  
 23 Emergis Technologies, Inc.

**CERTIFICATE OF SERVICE**

I, Pam McCain, certify that on June 12<sup>th</sup>, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all counsel of record.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Spokane, Washington, this 12<sup>th</sup> day of June, 2006.

s/ Pam McCain

Pam McCain